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Note verbale dated 23 June 2016 from the Permanent Mission of Viet Nam to the United Nations addressed to the Chair of the Committee

The Permanent Mission of the Socialist Republic of Viet Nam to the United Nations presents its compliments to the Chair of the Security Council Committee established pursuant to resolution 1718 (2006) and has the honour to submit the report of the Socialist Republic of Viet Nam on the implementation of Security Council resolution 2270 (2016) (see annex).

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Annex to the note verbale dated 23 June 2016 from the Permanent Mission of Viet Nam to the United Nations addressed to the Chair of the Committee

Report by Viet Nam on its implementation of United Nations Security Council resolution 2270 (2016)

Pursuant to paragraph 40 of Security Council resolution 2270 (2016), Viet Nam hereby submits its report on the measures undertaken to implement the resolution, as follows.

1. Overview

It is the consistent policy of Viet Nam to support disarmament and the non-proliferation of weapons of mass destruction, especially nuclear weapons. As a responsible member of the United Nations, Viet Nam has always fully implemented its obligations under relevant Security Council resolutions, in particular resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013) and 2270 (2016), including by submitting its reports (S/AC.49/2007/9, S/AC.49/2009/31 and S/AC.49/2013/20).

Resolution 2270 (2016) was expediently translated into Vietnamese and the text made known to all relevant ministries, agencies and local authorities, in writing and through inter-agency meetings. The Ministry of Foreign Affairs is the Government agency responsible for the implementation of the resolution with an inter-agency focal-point mechanism for smooth coordination and information-sharing among different ministries, agencies and local authorities. The ministries, agencies and local authorities have disseminated the contents of the resolution, including the annexes, to relevant subsidiary bodies, entities and individuals, including businesses operating within the territory or under the jurisdiction of Viet Nam.

2. Legal basis and implementation measures

In addition to the information provided in the previous reports on the implementation of Security Council resolutions regarding the DPRK, Viet Nam would like to provide the following updates:

(a) Export, import and transfer of arms and related materiel (including training, maintenance, etc.) mentioned in paragraphs 5, 6 and 7

Legal basis

In Viet Nam, the State exercises exclusive control over all weapons; individuals without proper authority and mandate are not allowed to own or use weapons. Under the law of Viet Nam, weapons and related materials are considered special goods, and their production, stockpiling, transportation and sales are prohibited except by authorized agencies and individuals. Moreover, Government Decree No. 187/2013/ND-CP of 20 November 2013 specifies that the export and import of arms, ammunition and military equipment are restricted (the Ministry of Defence promulgates the detailed list). The Penal Code specifies penalties for the illicit production, stockpiling and transportation of, and trade in, weapons, explosives, radioactive and inflammable materials and toxins. The ordinance on the

control and use of weapons, explosives and law enforcement equipment (2011) further specifies provisions for the strict control of weapons.

The position of Viet Nam regarding the non-proliferation of nuclear weapons and the peaceful use of nuclear energy is reflected through various normative acts, such as the 2008 Law on Nuclear Energy, the Ordinance on Radiation Safety and Control (1996), Decree No. 07/2010/ND-CP of 25 January 2010 on the implementation of the Law on Nuclear Energy, Decision No. 450/QD-TTg of the Prime Minister of 25 March 2011 approving the project on the application of security measures in the field of atomic energy, including measures to prevent the illegal import, export and transportation of nuclear materials, and Decision No. 45/2010/QD-TTg of 14 June 2010 of the Prime Minister on the safeguarding of nuclear facility and materials.

Implementation measures

Viet Nam agencies have been informed of and updated on the new contents and measures and been instructed to strictly implement resolution 2270 (2016). No activities related to the provisions in these paragraphs have been found.

(b) Export, import, transfer and inspection of goods mentioned in paragraphs 8, 18, 19, 20, 21, 22, 23, 25, 27, 28, 29, 30, 31, 37 and 39

Legal basis

Decree No. 215/2013/ND-CP of 23 December 2013 and Decree No. 08/2015/ND-CP of 21 January 2015 specify subjects of customs clearance, which include: (i) export, import and in-transit goods; items on means of transport while exiting, entering and transiting; foreign and Viet Nam currencies in cash, negotiable instruments, gold, precious metals, precious stones, cultural products, relics, antiquities, treasures, export and import parcels; luggage while entering, exiting or transiting; other exporting, importing or transiting items in areas under the authority of the customs agency; and (ii) means of exiting, entering or transiting by land, rail, air, maritime or domestic water.

Authorization for the landing and over-flight of aircraft and port arrival and departure of vessels is provided for in Decree No. 125/2015/ND-CP of 4 December 2015 on detailed provisions on flight administration and Decree No. 21/2012/ ND-CP of 21 March 2012 on detailed provisions on the management of ports and maritime routes.

Implementation measures

Vietnamese and foreign business groups, corporations, subsidiaries and companies have been informed of the relevant contents of the resolution. The measures stipulated in paragraphs 8 and 18 are being applied in Viet Nam territory, including seaports and airports, in accordance with national and international laws, in order to implement the provisions related to goods mentioned in the resolution and its annex IV. Viet Nam does not sign or make any transaction or exchange relating to items prohibited under the resolution.

Viet Nam has also disseminated and is implementing measures related to vessels and aircrafts, as stipulated in paragraphs 19 to 22, and has not found any violations.

(c) Technical assistance and training activities mentioned in paragraphs 9 and 17

Vietnamese agencies have been informed of and updated on the new clarifications contained in these paragraphs. Viet Nam does not have any of these activities.

(d) Deportation, entry and transit of individuals mentioned in paragraphs 10, 11, 12, 13, 14, 15 and 16:

Legal basis

Law No. 47/2014/QH13 of 16 June 2014 on the entry, exit, transit and stay of foreigners stipulates that the Ministry of Public Security is the Government agency responsible for the State management of the entry, exit, transit and stay of foreigners in Viet Nam. In addition, there are new legal documents (not mentioned in the previous reports from Viet Nam), including Decree No. 92/2015/ND-CP of 13 October 2015 on air transport security and Decree No. 112/2014/ND-CP of 21 November 2014 on the management of land border gates.

Implementation measures

Vietnamese agencies have been informed of and updated on the new provisions and measures of resolution 2270 (2016) and the entities and individuals listed in annexes I and II. These individuals have been added to the "suspension from entry" list (the term "suspension from entry" is mentioned in article 21 of the 2014 law on the entry, exit, transit and stay of foreigners in Viet Nam).

Regarding the two DPRK citizens mentioned in annex I, namely, Kim Jung Jong and Choe Song Il:

- Viet Nam has carried out thorough reviews and investigations, and has established facts relating to the two individuals. Relevant Vietnamese agencies have determined that these individuals are, respectively, the third secretary and a staff member of the DPRK embassy in Ha Noi; the passport number of Choe Song Il is different from that mentioned in the resolution (relevant information has been provided to the Panel of Experts). Kim Jung Jong and his family members left Viet Nam in January 2016, before the adoption of resolution 2270 (2016); Choe Song Il and his family members left Viet Nam in April 2016. Viet Nam has not found any evidence ascertaining that these individuals are "Tanchon Commercial Bank Representatives in Viet Nam" as mentioned in the description in annex I, and this "bank" does not have any presence in Viet Nam (further details regarding Tanchon Commercial Bank can be found in paragraph 2 (g) below).
- Viet Nam has carried out numerous extensive investigations and confirmed that there are no representative offices or branches of listed DPRK entities operating in Viet Nam. Taking note of the information in paragraph 16 of the resolution on the possibility of the use of shell companies, Viet Nam will continue to investigate and fully implement resolution 2270 (2016) and other relevant Security Council resolutions.

(e) Freezing assets and other economic resources mentioned in paragraphs 32 and 36

Legal basis

Viet Nam has established a legal basis and implemented measures to prevent and combat money laundering in transactions in money or other assets. This legal basis includes the 2010 Law on the State Bank of Viet Nam, the 2010 Law on Credit Institutions, the 2013 Law on Anti-Money Laundering, the 2015 Penal Code and the 2005 Ordinance on Foreign Exchange, as well as the Government decrees on the implementation of measures in the 2013 Law on Anti-Money Laundering, on the 2014 administrative penalties in monetary and banking operations, on payments through payment service institutions and on the organization and operation of the People's Credit Funds.

The State Bank of Viet Nam, in particular the Anti-Money Laundering Department, is the focal point on this issue. The Ministry of Public Security is the leading authority in investigating offences, coordinating with the State Bank of Viet Nam to take necessary preventive measures in anti-money laundering operations.

Implementation measures

Vietnamese agencies have been informed of and updated on the new contents and measures of the resolution. The State Bank of Viet Nam has undertaken highly precautionary measures while directing banking and credit institutions to fully implement, at the highest level, standards of customer identification and make reports on over-threshold cash transactions (CTR200, CTR500), international electronic money transfers and suspicious transactions to the Anti-Money Laundering Department, the banking inspection and supervision authority for monitoring, handling and reporting to competent authorities.

Regarding the two individuals, namely, Kim Jung Jong and Choe Song Il, Viet Nam has implemented financial and economic measures in accordance with provisions outlined in resolution 2270 (2016).

(f) Opening bank branches and representative offices mentioned in paragraphs 33, 34 and 35

Legal basis

According to Law No. 47/2010/QH12 of 16 June 2010 on credit institutions, the State Bank of Viet Nam is responsible for the establishment, organization, operation, special control, re-organization and closure of credit institutions, and the establishment, organization and operation of foreign bank branches, representative offices of credit institutions and other international organizations related to banking activities.

Implementation measures

Vietnamese agencies have been informed of, and updated on, the new contents and measures of the resolution. The relevant authorities, including the State Bank of Viet Nam, have requested that the agencies dealing with licensing management, and foreign bank monitoring, surveillance and inspection in Ha Noi and Ho Chi Minh City thoroughly cross-check the internal system, and have thus confirmed that the State Bank has never granted permission to open, nor is there any information

regarding the existence of, a representative office, branch or subsidiary of Tanchon Commercial Bank in Viet Nam.

Viet Nam has also carried out investigations and verified that there are no Vietnamese banks that have representative offices, subsidiaries or banking accounts in the DPRK. The State Bank of Viet Nam has informed and updated all commercial banks on the new provisions and measures and requested that they strictly implement resolution 2270 (2016), including the measures relating to representative offices, subsidiaries or banking accounts in the DPRK.

3. Conclusion

Over the past few months, Viet Nam's competent authorities, including at the centralized and local levels, law enforcement agencies, protection forces at borders and entry points, including seaports and airports, have taken active and effective measures to manage and control export and import activities, financial transactions, entries and exits, thereby contributing to the maintenance of political security and social order in Viet Nam. Viet Nam has immediately taken the necessary measures relating to the entities and individuals mentioned in the annexes to the resolution.

Based on the above-mentioned information, in accordance with paragraph 45 of resolution 2270 (2016) directing the Committee to update the information contained on its list of individuals and entities, Viet Nam requests that the Committee update and appropriately reflect the descriptions of the two individuals mentioned in annex I to the resolution, because Kim Jung Jong and Choe Song Il are not "Tanchon Commercial Bank Representatives in Viet Nam" and they are no longer in Viet Nam; henceforth they may best be described as "Tanchon Commercial Bank Representatives".

As a responsible member of the United Nations, Viet Nam seriously implements relevant Security Council resolutions. Viet Nam has been working, and will continue to work, closely with the Committee and the Panel of Experts on implementing resolution 2270 (2016).